



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels, Jr.*

Governor

*Thomas W. Easterly*

Commissioner

100 North Senate Avenue

Indianapolis, Indiana 46204

(317) 232-8603

Toll Free (800) 451-6027

[www.idem.IN.gov](http://www.idem.IN.gov)

April 15, 2010

Mr. Tommy L. Sutton  
Triad Mining, Inc.  
1216 E. County Road 900 S.  
Oakland City, Indiana 47660

Dear Mr. Sutton:

Re: Modification Request for  
NPDES General Permit No. ING040107  
IDNR Permit No. S-0291  
Triad Mining Inc. – Patoka River Mine  
1517 S. County Road 700 W.  
Francisco, Indiana  
Pike and Gibson Counties

Your NPDES permit application submittal dated January 28, 2010, to request modification of the above-referenced permit, has been reviewed. The submittal requested the removal of Outfall 019 (latitude 38°, 24', 31", longitude 87°, 22', 00"), discharging to Robinson Ditch, Outfall 020 (latitude 38°, 24', 38", longitude 87°, 22', 43"), discharging to an unnamed tributary to East Fork Big Creek, Outfall 022 (latitude 38°, 24', 51", longitude 87°, 22', 01"), discharging to West Robinson Ditch, Outfall 023 (latitude 38°, 24', 54", longitude 87°, 21', 45"), discharging to an unnamed tributary to West Robinson Ditch, and Outfall 024 (latitude 38°, 24', 42", longitude 87°, 22', 24"), discharging to an unnamed tributary to East Fork Big Creek, from the permit. The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has received confirmation from the IDNR in Jasonville, Indiana that the basins associated with these outfalls have been fully reclaimed, and have either been re-vegetated or are being farmed with standard conservation practices. Therefore your petition to delete the referenced existing NPDES discharge points has been approved in accordance with Indiana Rules promulgated under 327 IAC15-7. Coverage for the facility will now include the outfalls listed in the first table of Attachment 1.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/ide/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

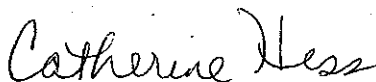
These modifications shall become effective on May 1, 2010, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on August 31, 2010. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

Slj/

cc: Pike County Health Department  
Gibson County Health Department

ATTACHMENT 1

**Triad Mining, Inc. – Patoka River Mine**

NPDES PERMIT NO. ING040107

EFFECTIVE DATE: May 1, 2010

IDNR PERMIT NUMBER S- 0291

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
006	S-0291 SP-006	38°, 24', 05"	87°, 24', 10"	Alkaline	West Fork Big Creek
007	S-0291 SP-007	38°, 23', 33"	87°, 23', 50"	Alkaline	Big Creek
008	S-0291 SP-008	38°, 23', 59"	87°, 23', 55"	Alkaline	West Fork Big Creek
016	S-0291 SP-016	38°, 23', 52"	87°, 23', 10"	Alkaline	Big Creek

The following outfalls have been removed and are no longer covered under this permit:

019	S-0291 SP-019	38°, 24', 31"	87°, 22', 00"	Outfall removed	Busseron Creek
020	S-0291 SP-020	38°, 24', 38"	87°, 22', 43"	Outfall removed	Busseron Creek
022	S-0291 SP-022	38°, 24', 51"	87°, 22', 01"	Outfall removed	Busseron Creek
023	S-0291 SP-023	38°, 24', 54"	87°, 21', 45"	Outfall removed	Busseron Creek
024	S-0291 SP-024	38°, 24', 42"	87°, 22', 24"	Outfall removed	Turman Creek



STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 - 4D -GP

DATE OF NOTICE: April 15, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

**MODIFICATION**

**TRIAD MINING INC. - PATOKA RIVER MINE**, Permit No. ING040107, PIKE & GIBSON COUNTY, Francisco, IN. This modification is being issued because the facility is deleting 5 outfalls which discharge to Robinson Ditch and to unnamed tributaries to the East Fork of Big Creek, Robinson Ditch, West Robinson Ditch and the East Fork of Big Creek. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

**PROCEDURES TO APPEAL**

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

**Appeal Procedure:** Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

**Timely filing:** The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:  
**Phone: 317/232-8591.**

Environmental Law Judge  
Office of Environmental Adjudication  
IGC - North Building- Rm 501  
100 N. Senate Avenue  
Indianapolis IN 46204

**Stay Time frame:** If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

**Hearing Notification:** Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.





Ms. Sheri Jordan  
Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
NPDES Permits Section  
100 N. Senate Ave.  
Indianapolis, IN 46204-2251

January 26, 2010

DEM  
OFFICE OF  
WATER QUALITY  
2010 FEB -3 P 12:32

Re: NPDES Monitoring  
Patoka River Mine # ING040107  
DNR Permit #S-291

Dear Ms. Jordan:

All coal mining and reclamation operations have since been completed up drainage above NPDES outfalls 019, 020, 022, 023 and 024 respectively. These areas are stable and totally reclaimed. Furthermore, these areas have been in a permanent grass/legume vegetated cover for at least two (2) years or are being farmed using standard soil conservation measures. Moreover, these areas are eligible for Phase II Bond release and Phase III Bond release.

Consequently, for the aforementioned reasons and having met the monitoring requirements for these outfalls, sampling will be discontinued.

Enclosed you will find the modified Notice of Intent, required attachments and \$50.00 check.

If you need any additional information concerning this matter, please call me at our Log Creek office at the telephone number listed below.

Sincerely,

C. Brent Boyle  
Triad Mining, Inc.

CBB/cbb

cc: file

Mr. Clay Dayson, IDNR, Division of Reclamation







# Indiana Department of Environmental Management

NPDES General Permit Notice of Intent (NOI) Letter Submittal Application

327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

2010 FEB -3 P 12:32  
OFFICE OF  
WATER QUALITY

I. PURPOSE OF SUBMITTAL:				
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		<b>XX</b>	<b>ING040107</b>	<b>Delete outfalls 019,020,022,023 &amp; 024</b>

II. GENERAL INFORMATION									
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.									
a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE	f. FACILITY COUNTY		g. DNR FACILITY NUMBER			
Triad Mining, Inc. - Attn. Tommy L. Sutton			1221	Pike, Gibson					
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER						
COMPANY NAME Triad Mining, Inc.			Latitude		Longitude				
STREET ADDRESS 1216 E. County Road 900 S			degree	minute	second	degree	minute	Second	
			N38	23	43	W87	23	02	
CITY Oakland City			STATE IN	ZIP CODE 47660					
c. FACILITY NAME			i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION						
Patoka River Mine			Township		Range		Section		Quartersection
			2 South		9 West		18		
d. FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId						
STREET ADDRESS 1216 E. County Road 900 S			STREET ADDRESS 1517 S. County Road 700 W						
CITY Oakland City			STATE IN	ZIP CODE 47660		CITY Francisco	STATE IN	ZIP CODE 47649	

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is Authorized to be responsible for all signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	ALTERNATE PERSON TO ANSWER QUESTIONS
Tommy L. Sutton Vice President Engineering	C. Brent Boyle
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
812-328-2117 Ext. 30	812-721-1299 Ext. 33 or 812-328-2117 Ext. 29
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
Tommy.Sutton@JamesRiverCoal.com	Brent.Boyle@JamesRiverCoal.com

10-20-1912

10-20-1912

10-20-1912

**IV. CONTACT INFORMATION OTHER:**

<b>DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION</b>		c. <u>CONTACT AND COMPANY NAME</u> C. Brent Boyle, Triad Mining, Inc.	
a. <u>CONTACT TELEPHONE NUMBER</u> 812-328-2117, Ext. 29 or 812-721-1299 Ext. 33		d. <u>STREET ADDRESS</u> 1216 E. County Road 900 S.	
b. <u>CONTACT EMAIL ADDRESS</u> Brent.Boyle@JamesRiverCoal.com		e. <u>CITY</u> Oakland City	f. <u>STATE</u> Indiana
		g. <u>ZIP CODE</u> 47660	
<b>ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS</b>		j. <u>COMPANY AND CONTACT PERSON NAME</u> Tommy L. Sutton, Triad Mining, Inc.	
h. <u>CONTACT TELEPHONE NUMBER</u> 812-328-2117, Ext 30		k. <u>STREET ADDRESS</u> P.O. Box 316	
i. <u>CONTACT EMAIL ADDRESS</u> Tommy.Sutton@JamesRiverCoal.com		l. <u>CITY</u> Freelandville	m. <u>STATE</u> Indiana
		n. <u>ZIP CODE</u> 47535	
<b>OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)</b>		q. <u>COMPANY AND CONTACT PERSON NAME</u>	
o. <u>CONTACT TELEPHONE NUMBER</u>		r. <u>STREET ADDRESS</u>	
p. <u>CONTACT EMAIL ADDRESS</u>		s. <u>CITY</u>	t. <u>STATE</u>
		u. <u>ZIP CODE</u>	

**V. RULE QUALIFICATION:**

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) **YES** ☒ **NO** ☐

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

**The Patoka River mining complex is a combination surface mine facility and wash plant. Wastewater discharge associated with the mining of coal, coal processing and/or reclamation activities will occur.**

**VI. OUTFALL INFORMATION:** Please fill out the following information FOR ALL OUTFALLS

a. DEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE	d. LONGITUDE	e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg min sec	deg min sec				
006	SP06	N 38 24 05	W 87 24 10	0.00	Active, Alkal	Y / N	WEST FORK BIG CREEK
007	SP07	N 38 23 33	W 87 23 50	0.00	Active, Alkal	Y / N	BIG CREEK
008	SP08	N 38 23 59	W 87 23 55	0.00	Active, Alkal	Y / N	WEST FORK BIG CREEK
016	SP16	N 38 23 52	W 87 23 10	0.00	Active, Alkal	Y / N	BIG CREEK
019	SP19	N 38 24 31	W 87 22 00	0.00	Active, Alkal	Y / N	ROBINSON DITCH
020	SP20	N 38 24 38	W 87 22 43	0.00	Active, Alkal	Y / N	UNT EAST FORK BIG CREEK
022	SP22	N 38 24 51	W 87 22 01	0.00	Active, Alkal	Y / N	WEST ROBINSON DITCH
023	SP23	N 38 24 54	W 87 21 45	0.00	Active, Alkal	Y / N	UNT WEST ROBINSON DITCH
024	SP24	N 38 24 42	W 87 22 24	0.00	Active, Alkal	Y / N	UNT EAST FORK BIG CREEK



**VII. OUTFALL INFORMATION FOR MODIFICATIONS:** Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
019	SP19	DEL	02/01/10	Mining and reclamation activities are complete above these outfalls. Areas are stable and are in a permanent grass cover or are being farmed with standard conservation practices.
020	SP20	DEL	02/01/10	Mining and reclamation activities are complete above these outfalls. Areas are stable and are in a permanent grass cover or are being farmed with standard conservation practices.
022	SP22	DEL	02/01/10	Mining and reclamation activities are complete above these outfalls. Areas are stable and are in a permanent grass cover or are being farmed with standard conservation practices.
023	SP23	DEL	02/01/10	Mining and reclamation activities are complete above these outfalls. Areas are stable and are in a permanent grass cover or are being farmed with standard conservation practices.
024	SP24	DEL	02/01/10	Mining and reclamation activities are complete above these outfalls. Areas are stable and are in a permanent grass cover or are being farmed with standard conservation practices.

**VIII. TOPOGRAPHICAL MAP**

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

See attached.

**IX. PROOF OF PUBLICATION**

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:  
 Office of Environmental Adjudication  
 Indiana Government Center -- North  
 100 North Senate Avenue, Room N501  
 Indianapolis, Indiana 46204"

Not applicable this submittal.



**X. POTENTIALLY AFFECTED PERSONS FORM**

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

See attached.

**XI. REQUIRED FEES:**

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50.00, attach to and submit with application.  
Checks or money orders shall be made payable to IDEM.

**XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES**

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: **Mr. Clay Dayson, January 28, 2010**

**XIII. CERTIFICATION STATEMENT**

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Tommy L. Sutton, V.P. of Engineering

812-328-2117 Ext. 30

Name and official title (type or print)

Area Code and phone No.

Signature

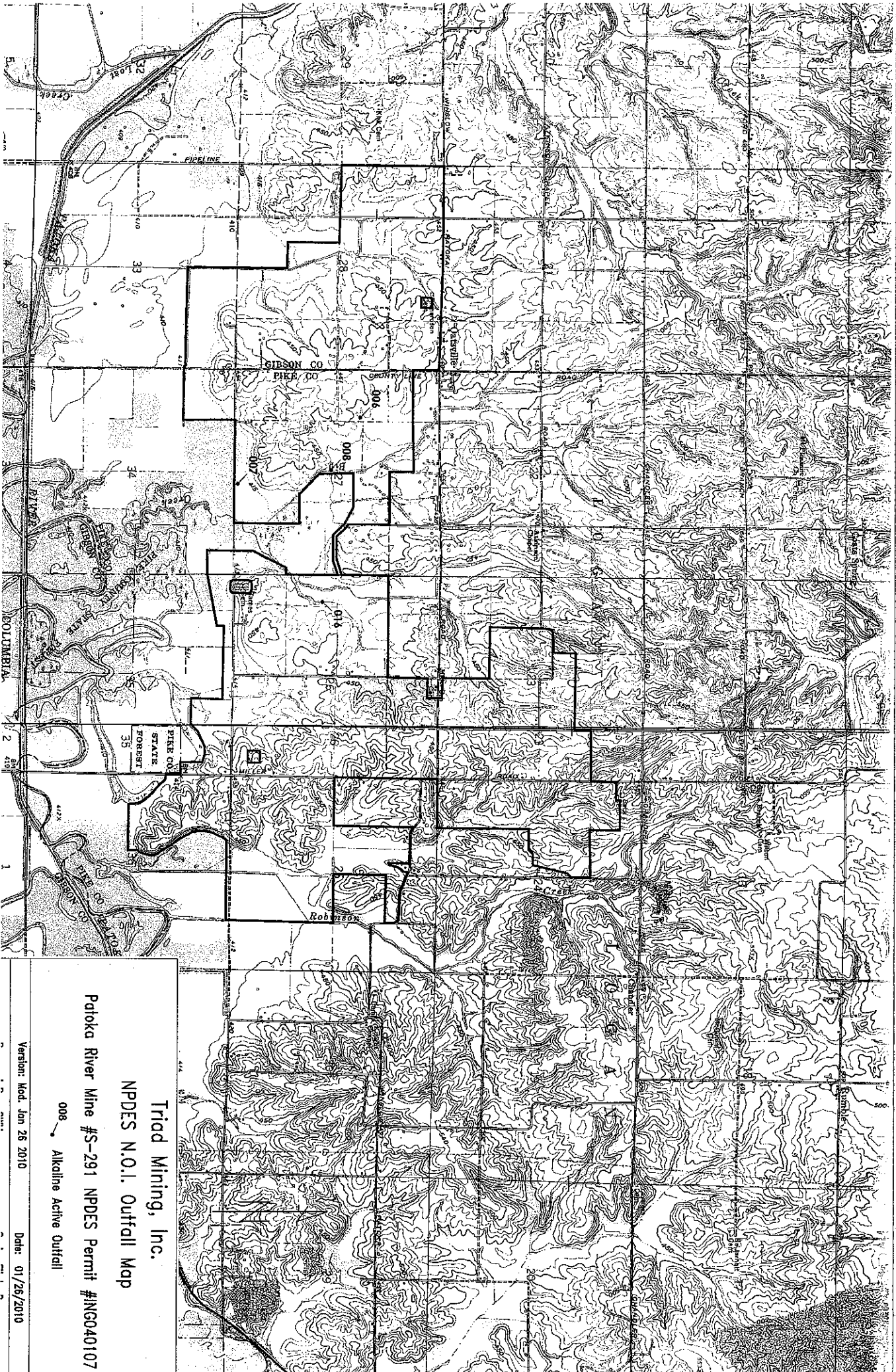
Date signed

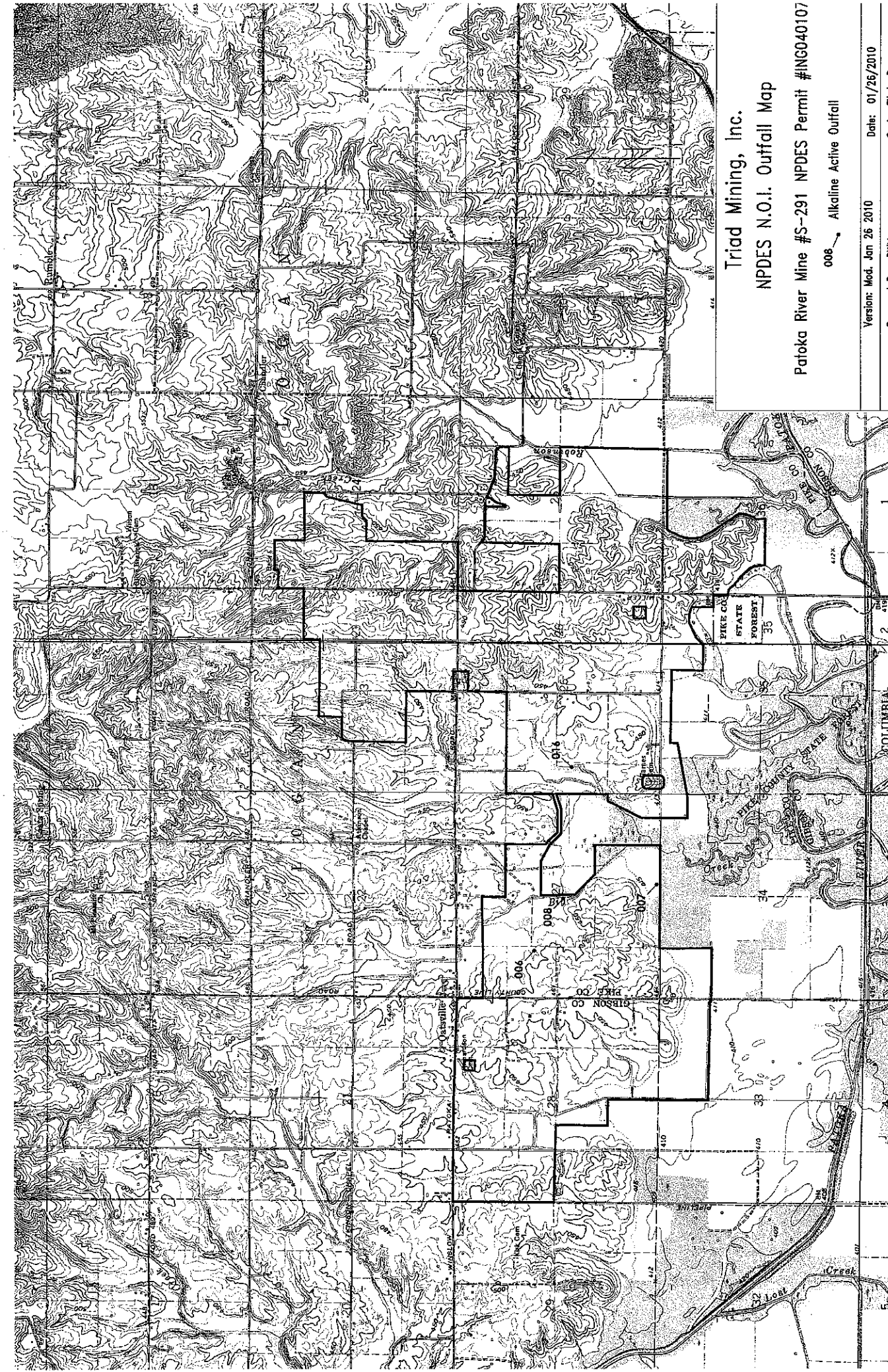
Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
NPDES Permits Section  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251**









Triad Mining, Inc.  
NPDES N.O.I. Outfall Map

Patoka River Mine #S-291 NPDES Permit #ING040107

008 Alkaline Active Outfall

Version: Mod. Jan 26 2010

Date: 01/26/2010